

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

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| Group I: | Claims 1-14, drawn to a method for producing a heterologous RNA of interest; |
| Group II: | Claims 15-18, drawn to a modified yeast cell; and |
| Group III: | Claim 20, drawn to a system for carrying out the industrial production of a heterologous RNA of interest. |

Applicants provisionally elect Group I, Claims 1-14, drawn to a method for producing a heterologous RNA of interest, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the three groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Additionally, Applicants make the following observations as regards unity of invention. The special technical feature common to the claimed inventions classified into Groups I to III is the use of synthetic *rho*⁻ strains of yeast for producing a heterologous RNA of interest (RNA non coded by the yeast mitochondrial genome as defined at page 5, lines 28-30 of the specification); the synthetic *rho*⁻ strain is a yeast cell lacking mitochondrial DNA which is transformed with a mitochondrial transcription vector comprising at least one copy of the DNA encoding a heterologous RNA under the control of regulatory elements for

mitochondrial transcription and a mitochondrial transformation reporter gene or a fragment of said reporter gene.

This special technical feature is novel and not obvious in view of Fox et al., PNAS, 1988, 85, 7288-7292 which discloses a different use of a different synthetic *rho*⁻ strain.

The synthetic *rho*⁻ strain disclosed by Fox et al., which consists of yeast transformed with a mitochondrial transcription vector comprising at least one copy of a gene coded by the yeast mitochondrial genome (*oxi I* gene) under the control of a regulatory element for mitochondrial transcription and a mitochondrial transformation reporter gene which is different from the synthetic *rho*⁻ strain used in the present invention.

Furthermore, the synthetic *rho*⁻ strain disclosed by Fox et al., is used to manipulate the yeast mitochondrial genome of *rho*⁻ strain (introduction of a mutation by recombination) or to complement a mutation in the mitochondrial genome of a *rho*⁻ strain (see the end of the abstract of Fox et al.).

Therefore, the skilled artisan will find no guidance in Fox et al., that would motivate him to generate synthetic *rho*⁻ strain comprising a DNA other than the DNA of a yeast mitochondrial gene and to use such synthetic *rho*⁻ strain to produce a heterologous RNA of interest.

For the above reasons, the special technical feature common to the claimed inventions classified into Groups I to III is novel and not obvious in view of Fox et al.

Therefore, the requirement of unity of inventions is fulfilled since the claims of Groups I to III are so linked as to form a single general inventive concept under PCT Rules 13.1 and 13.2.

Accordingly, for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Requirement for Restriction is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly requested.

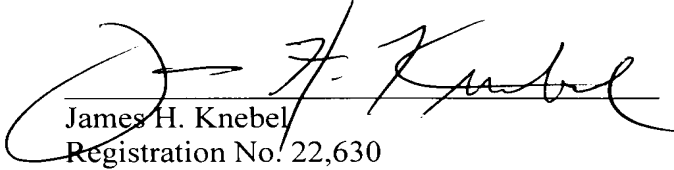
Respectfully submitted,

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